

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

J.V.P. by and through his parent and)
Guardian K.V.P.,)

Plaintiffs,)

v.)

Case No.: 4:22-cv-00558-BP

State of Missouri Board of Education,)

& Missouri Department of Elementary)
and Secondary Education,)

Defendants.)

**DEFENDANTS' MOTION FOR LEAVE TO FILE OPPOSITIONS
SUGGESTIONS OUT OF TIME**

COME NOW Defendants Missouri State Board of Education and Missouri Department of Elementary and Secondary Education ("State Defendants"), by and through the undersigned counsel, hereby moves for leave to file their suggestions in opposition to Plaintiffs' motion for clarification out of time. In support the motion, undersigned counsel states the following:

1. Plaintiffs filed a motion to clarify this Court's Order directing Defendants to comply with 20 U.S.C. Section 1415(j) on July 18, 2023 (Doc 86).
2. By local rule, Defendants' suggestions in opposition were due on August 1, 2023.
3. Undersigned counsel personally attempted to file Defendants' suggestions in opposition on August 1, 2023.

4. Undersigned counsel apparently made an error or did not fully complete the filing.
5. Undersigned counsel became aware of this mistake upon receipt of an email from Plaintiffs' counsel indicating the lack of responsive filing on August 3, 2023 at 1:19PM.
6. Undersigned counsel immediately drafted and filed this request.
7. This request is made in good faith and not intended to delay the proceedings in any manner.
8. Granting this request would not prejudice Plaintiff.

WHEREFORE Defendants respectfully move this court for leave to file suggestions in opposition to Plaintiffs' motion to clarify out of time.

Respectfully Submitted,

ANDREW BAILEY

Attorney General of Missouri

/s/ Eric Doner

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and Missouri Department of

Elementary and Secondary Education

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 3, 2023, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Eric Doner

Assistant Attorney General